

DETAILED ACTION

1. The response received on 12/23/2008 has been entered and made of record. Claims 1-10, 13, 15-18, and 20-24 are pending.

Response to Arguments

Applicant's arguments filed 08/27/2009 have been fully considered but they are not persuasive.

In essence, the applicant alleges that substantially all limitations recited in the claims as not being disclosed by the references, in the remarks, applicant argues the following points labeled a through d below:

- a. Visser fails to teach 'enterprise elements' ...and further recites, it is therefore important to construe how one of ordinary skill in the art would have construed the term "enterprise element" after having read the specification" (see Remark, Page 8);

Response:

Examiner disagrees with applicant's narrow interpretation of the phrase "enterprise element". The claim breadth making use of the phrase "enterprise element" allows multiple interpretations and meanings, which are broader than applicant's disclosure; in which the Examiner had to interpret the claim language as broadly as reasonably possible, in determining patentability of the disclosed invention as a whole and the scope of the phrase "enterprise element" in particular. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.1993). Visser disclosed "enterprise element" (see ¶0050). Thus, accordingly, examiner's interpretation of the phrase "enterprise element" is proper.

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- b. Spielmann fails to teach compliance scores of enterprise elements; Spielmann fails to teach assigning compliance scores to rule associations (Remark Page 9 and Remark Page 13).

Response:

Examiner disagrees. As pointed out in the claim rejection, the already combined teachings disclosed assigning compliance scores (Visser ¶0053, assigning appropriate compliance value indicating degree of compliance status of monitored network element(s) and see Supielmann Column 9, Lines 49-60, where applicable compliance score is applied).

- c. Visser fails to teach "enterprise knowledge-base" (Remark Page 10).

Response:

Examiner points that Visser disclosed in ¶0050, "the rule database 24b of rules associated with at least one of the one or more characteristic data for the elements" stored on element data base # 22b recited in Fig. 1a. Note that a database storing rules corresponding elements in the enterprise is functionally equivalent to applicant's phraseology "enterprise knowledge-base". Thus, claim terminology is interpreted accordingly.

- d. Visser fails to teach first and second sets of rule associations (Remark Page 12).

Response:

Examiner respectfully disagrees. Visser taught plurality of rules and regulations associated with elements in an enterprise where "elements that are a sub-set of the all the elements associated with rules" (see at least ¶0053 and ¶0012).

Drawings

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the informal drawings submitted on 09/22/2003 are not properly legible. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-10, 13, 15-18, and 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Visser et al. (US 20030153991 A1) hereinafter referred to as Visser in view of Supielmann et al., (US Patent # 7,113,914) hereinafter referred to as Supielmann.

As per claims 1, 9, and 17, Visser disclosed (exemplary claim 1) a computer-implemented compliance management method for estimating an extent to which a plurality of enterprise elements comply with applicable rules (Abstract, ¶ 0021-0024 and ¶ 0034, compliance management methodology), the method comprising: providing an enterprise knowledge-base containing information representative of enterprise elements (¶ 0050, “the rule database 24b of rules associated with at least one of the one or more characteristic data for the elements” stored on element data

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base # 22b in Fig. 1a); providing a rules knowledge-base containing information representative of applicable rules (¶0050, ...rules associated with characteristic data for the elements and ¶0057, rules data base having therein rules corresponding to the elements data base storing therein elements information); defining a first set of rule associations between a first subset of the applicable rules and a first subset of the enterprise elements; defining a second set of rule associations between a second subset of the applicable rules and a second subset of the enterprise elements (¶0053 & ¶0063, subsets of rules associated with sub sets of the elements), assigning compliance scores to the first set of rule associations, the compliance scores being indicative of an extent to which the enterprise elements from the first subset of enterprise elements comply with the applicable rules, assigning compliance scores to the second set of rule associations, the compliance scores being indicative of an extent to which the enterprise elements from the second subset of enterprise elements comply with the applicable rules (¶0053, assigning appropriate compliance value indicating degree of compliance status of monitored network element(s) accordingly), and providing, to a compliance officer, a tangible output representative at least one of the extents (¶0073, upon determination of compliance status of the plurality of elements, a corrective action is carried, where the corrective action is performed upon determination of out-of compliance elements, for example by generating a report for the appropriate personnel management).

Visser substantially disclosed the invention as recited. However, Visser does not explicitly address assigning compliance scores for each individual enterprise elements for display to a user to indicate the element's degree of compliance. However, as evidenced by the teachings of Supielmann assigning compliance scores for each individual enterprise elements for display to a user to indicate the individual element's degree of compliance was known at the time the invention was known at

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the time the invention was made (see Supielmann Column 9, Lines 49-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to take the teachings of Supielmann related to calculating individual compliance score and have modified the teachings of Visser related to compliance management in order to facilitate isolating weak (i.e., non compliant) spots and facilitating the ability to predict future levels of compliance (Supielmann at al., Column 9, Lines 56-60).

As per claims 2, 10 and 18, the already combined teachings of Visser and Supielmann disclosed graphically displaying the compliance scores (Visser ¶0029, computer interface for displaying the compliance status... and ¶0106).

As per claim 3, already combined teachings of Visser and Supielmann disclosed, wherein displaying the compliance scores comprises displaying a cardinality of rule associations having a selected range of compliance scores (Visser ¶0029 & ¶0077).

As per claims 4 and 20, the already combined teachings of Visser and Supielmann disclosed, wherein displaying the compliance scores comprises displaying a histogram chart of a cardinality of rule associations having each of a plurality of ranges of compliance scores (Visser ¶0029 and ¶0106, displaying the compliance value and Supielmann Figs 6-7).

As per claims 5, 13 and 21, already combined teachings of Visser and Supielmann disclosed the displaying a tree view of the enterprise knowledge-base (¶0029 and Fig. 6a # 301 tree view).

As per claims 6 and 22, already combined teachings of Visser and Supielmann disclosed, wherein displaying the tree view comprises displaying a compliance indicator in association with an enterprise element, the compliance indicator being indicative of a compliance score associated with the enterprise element (¶0053, assigning appropriate compliance value indicating degree of compliance status of each monitored network elements determining out-of compliance elements

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accordingly).

As per claims 7, 15 and 23, the already combined teachings of Visser and Supielmann disclosed associating remediation policies with the rule associations (Visser ¶0063-0064 and ¶0106).

As per claims 8, 16 and 24 already combined teachings of Visser and Supielmann disclosed providing a graphical user interface for controlling the citation process and the evaluation process (Visser Figs. 3a-3f, ¶0063-0064 and ¶0106).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yemane Mesfin whose telephone number is 571-272-3927. The examiner can normally be reached on M- F, from 9 to 5 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 572-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yemane Mesfin/
Primary Examiner, Art Unit 2444